Summary of Discussion.—Practising advocates in the Nagar Division who have put in, at least, five years' practice in the profession may be appointed as Munsiffs and Magistrates, and the vacancies in the higher grades of service should not be filled up by officers of other Departments. Practising advocates in the Malnad have not had an adequate share of appointments. A few exceptions that are pointed out were years ago. Advocates in Bangalore and Mysore who possess influence are usually selected to the prejudice of those in the moffussil. Let there be a fair distribution of patronage and if necessary, a special treatment for Malnad in this respect also.

Reply of Government.—Recruitment is made from all parts of the State, and a division into compartments for this purpose is not desirable.

SUBJECT No. 52.

Recruitment to the Mysore judicial service of practising advocates of the Nagar Division.

Messrs. A. Ananthiah, P. Venkappiah, Shimoga Taluk and H. G. Basavappa, Shimoga District Board.

Summary of Discussion.—Of late, in civil courts, more attention is paid to the speedy disposal of cases than to giving sufficient consideration to the merits of the case. In many cases, the parties launch suits at heavy cost and dates are fixed for hearing such cases along with many more cases which may be posted for hearing on that date. If the parties do not take out summons in time either through inconvenience or under the impression that the new case would not be taken up on that date on account of other cases, the judges dismiss such suits or pass decrees though there are other cases ready for hearing. This is done to swell disposals. Cases in which steps are not taken are called first and disposed of, before attending to other suits. Consequently, the parties will have to incur fresh expense to get the cases restored. The Circular issued by the Chief Court is responsible for this state of affairs. Even when parties are suffering from plague, adjournments are refused. There are instances of cases being disposed of, even when the party is present but delays coming into the Court the moment his case is called. It is prayed that instructions might be issued to the Judges not to take up unready cases when there are ready cases posted for that day, and not to dismiss the unready ones unless they dispose of all the cases which might be ready for the hearing.

Reply of Government.—A hard and fast rule cannot be insisted upon to take up only ready cases first and the unready ones later on. The matter will be referred to the Chief Court again.

SUBJECT No. 53.

Disposal of cases in civil courts.

Messrs. N. S. Nanjundaiya, H. Boranna, Hassan Taluk; Maralusiddappa and Rudrappa, Arsikere Taluk.

Summary of Discussion.—Revised rates of *batta* to witnesses in civil cases work as a great hardship. The rates may be suitably revised so that the mileage rates may not exceed twice the rates previously existing.

Reply of Government.—The Chief Court will be consulted.

SUBJECT No. 54.

Revision of rates of *batta* to witnesses appearing in civil courts.

Mr. N. S. Nanjundaiah, Hassan Taluk.

Summary of Discussion.—While executing decrees passed on personal liability, arrest notices are not always issued to the defendant by the Court. This will give room for the decree holder to proceed against the defendant by means of an arrest warrant and thus to lower the dignity of respectable men in the eyes of the public. To avoid this, the procedure may be so amended as to require the issue of arrest notices invariably in all

SUBJECT No. 55.

Amendment of the procedure of executing civil court decrees.

Mr. B. Gopala Char, Tirthahalli Taluk.

cases and to hear the defendants before the order to issue arrest warrants is passed, and that if the Court, after hearing the defendant, think it suitable, orders may be passed for the execution of the decree firstly against the movables and immovables and then against the person.

Per contra it was pointed out that the existing law gave the judge discretion in the matter and that the discretion was properly exercised. Any change would lead to fraud on the part of the judgment debtor.

Reply of Government.—Existing law gives sufficient discretion.

SUBJECT No. 56.

Appointing Sub-Magistrates for each taluk or empowering Amildars with magisterial functions.

Messrs. Khadrappa and K. Ramanna, Sidlaghatta Taluk.

Summary of Discussion.—In districts where the scheme for the separation of the judicial from the executive functions has been brought into force, parties have to travel long distances to attend magisterial courts. This entails heavy expense to parties apart from inconveniences to witnesses and a general undermining of health due to tedious journeys. The number of complaints has fallen in consequence. The police officers too have to be paid travelling allowances and *batta* which are very expensive to the State. A Second Class Magistrate may be appointed for each taluk or if this is not possible, the Amildars may be reinvested with magisterial powers as before. As a rule, there should be a magistrate for each taluk. If a single taluk does not provide sufficient work, two taluks may be clubbed together and two officers appointed, one for revenue and the other for magisterial work. As an alternative munsiffs may be invested with magisterial powers.

Reply of Government.—Remedies proposed have been considered and found unsuitable. Even when three or more taluks are placed under a magistrate, as at present, there is not sufficient work for him. Increasing the number of magistrates, if possible, is under consideration of Government.

SUBJECT No. 57.

Abolition of the Civil Jail.

Mr. H. Naranaiya, Chikballapur Taluk.

Summary of Discussion.—The middle class people who form the bulk of the population in the State, sometimes contract debts recklessly. They must keep up a semblance of respectability, and run into heavy expenses for marriages and other ceremonies. The only remedy is to put obstacles in the way of their borrowing. The absence of the threat of commitment to Civil Jail will make the money lender refuse loans, unless the debtor has sufficient property. The abolition of the Civil Jail will minimise the contracting of debts by the middle class and, though a novel measure, is worth a trial considering the resulting advantage. Business may suffer for a time. A period may be fixed before bringing this rule into force in order to enable the present decree holders to realise their debts. In the present days of civilization, a Civil Jail appears a barbarous institution.

Per contra it was urged that business would suffer and that there were very few instances where people actually entered a Civil Jail.

Reply of Government.—This system exists in all civilized countries. Government cannot commit themselves to any such policy in this respect.